

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In Re: YAN SUI,

Debtor.

8:24-cr-00048-JAK
No. 8:22-cv-02191-JAK (AJRx)

Bankr. Case No. 8:11-bk-20448-SC

**ORDER SETTING STATUS
CONFERENCE FOR CRIMINAL
CONTEMPT PROCEEDINGS**

1 On February 10, 2023, an Amended Order to Show Cause and Notice Charging
2 Criminal Contempt issued. Dkt. 25 (“OSC”). The OSC charged Yan Sui (“Sui”) with
3 criminal contempt and set a status conference in which a trial date would be set. Dkt. 25
4 at 3. On February 17, 2023, Debtor Yan Sui filed a “Notice of Appeal From ‘Amended
5 Order to Show Cause and Notice Charging Criminal Contempt’ Supported by a
6 Declaration of Non-Frivolity Required by Ninth Circuit Pre-Filing Order 17-80091.”
7 Dkt. 30. On February 28, 2023, the Clerk's Office of the United States Court of Appeals
8 for the Ninth Circuit notified Debtor that the appeal was assigned Case No. 23-55179
9 and would be reviewed by the Court to determine whether it would be permitted to
10 proceed. Dkt. 35. In light of the Ninth Circuit proceedings, the status conference set to
11 commence criminal contempt proceedings was taken off calendar. Dkt. 39.

12 On April 2, 2024, the Ninth Circuit issued an order denying Sui’s appeal of the
13 OSC. Dkt. 58 (“Because this court lacks jurisdiction over this appeal of the district
14 court’s February 10, 2023 order, this appeal will not be permitted to proceed. See 28
15 U.S.C. § 1291; *see also In re Thomas*, 508 F.3d 1225 (9th Cir. 2007). Appeal No. 23-
16 55179 is therefore dismissed.”). Accordingly, the criminal contempt proceedings shall
17 now proceed, as follows:

- 18 1. Sui shall appear in person in Courtroom 10C, United States Courthouse, 350
19 West 1st Street, Los Angeles, California, on June 6, 2024, at 8:30 a.m. for a
20 status conference. Failure to appear may result in the issuance of a bench
21 warrant for Sui's arrest. Sui shall be prepared, at that time, to alert the Court
22 whether he has retained counsel or whether appointed counsel is needed.
23 During the status conference, the Court will set a trial date.
- 24 2. The Clerk of Court is directed to open a new criminal case and to assign the
25 case to the undersigned district judge. The new criminal case shall contain (1) a
26 copy of the Amended Order to Show Cause and Notice Charging Criminal
27 Contempt (Dkt. 25); (2) a copy of the Order Accepting Report and

1 Recommendation to District Court for Withdrawal of Reference as to
2 Determination of Criminal Contempt (Dkt. 23); and (3) a copy of the Report
3 and Recommendation to District Court for Withdrawal of Reference as to
4 Determination of Criminal Contempt (Dkt. 2).

5 3. The Clerk is further directed to submit a copy of this Order and the Amended
6 Order to Show Cause and Notice Charging Criminal Contempt (Dkt. 25) to the
7 United States Marshal for service upon Yan Sui at 27694 Emerald, Mission
8 Viejo, CA 92691.

9 4. Pursuant to Rule 42(a)(2), the Court requests that the United States Attorney
10 for the Central District of California, or his designee, prosecute this contempt
11 of court charge. If, for any reason, the United States Attorney for the Central
12 District of California declines this request, the Court will appoint another
13 attorney to prosecute the contempt.

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16 **IT IS SO ORDERED.**

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18 Dated: April 19, 2024



19

20 John A. Kronstadt
21 United States District Judge

22

23 cc: United States Attorney
24 Criminal Intake
25 USM